

REMARKS

Election/Restriction

Claims 1 through 20 are pending in this case. The Examiner requires restriction under 35 USC 121 and 372. The Examiner has divided claims 1 through 20 into FIVE (V) Groups and has requested election according to 37 CFR I.499.

In accordance with the Examiner's request, the Applicant elects Group I (claims 1-7, 10, 11, 12, 15 and 20) for examination at this time. Election is made with traverse.

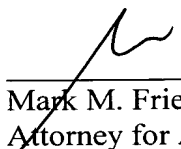
With respect to Group II (claims 8 and 9), the Applicant respectfully suggests that dependent claims which detail additional optional features of the claimed nucleic acid construct are properly included in the same Group as the independent claim defining the nucleic acid construct. Specifically, any construct meeting the limitations of claim 8 or 9 will necessarily meet all the limitations of claim 1. Alternately or additionally, constructs according to claims 8 and 9 may represent the best mode of practice of claim 1. As such, it is incumbent upon the Applicant to disclose them and the Applicant is specifically interested that these preferred embodiments be specifically included within the metes and bounds of the claimed invention. Therefore, the Applicant respectfully requests that Group II be examined together with Group I. The Examiner's division of Group II from Group I is traversed.

Further, with respect to Group III (claims 13 and 14), the claimed method requires use of constructs as claimed in claim 1 of Group I. It is therefore infeasible to practice the method claimed in Group III without the construct claimed in claim 1 of Group I. Thus, it is appropriate to include Group III together with Group I for purposes of examination. This is true even if Applicant's request concerning Group II

is denied, because constructs according to claims 8 and 9 meet all the criteria of constructs according to claim 1. The Examiner's division of Group III from Group I is traversed.

In summary, Group I is elected with traverse. Applicant respectfully requests that Groups II and III be examined together with Group I. Alternatively, The Applicant respectfully requests that Group III be examined together with Group I. Alternatively, the Applicant respectfully suggests that Group II be examined together with Group I.

Respectfully submitted,



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